

Serial No. 09/525,595

Page 10 of 17

**REMARKS**

This response intended as a full and complete response to the final Office Action mailed August 11, 2005. In the Office Action, the Examiner notes that claims 2-20, 22-40 and 42-50 are pending, of which claims 2-20, 22-40 and 42-50 stand rejected. By this response, claims 2, 5-6, 20, 22, 25-26, 40, 42-45, and 49-50 are amended. Claims 4 and 24 are hereby cancelled.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

**REJECTIONS**

**35 U.S.C. §103**

**Claims 2-20, 22-40 and 42-50**

The Examiner has rejected claims 2-20, 22-40 and 42-50 under 35 U.S.C. §103 as being obvious over Sicher et al. (U.S. Patent No. 6,385,195, issued May 7, 2002, hereinafter "Sicher") in view of Fitch et al. (U.S. Patent No. 6,647,389, issued November 11, 2003, hereinafter "Fitch"). Applicant respectfully traverses the rejections.

In general, Sicher teaches an interworking function (IWF) for interfacing digital cellular voice and fax protocols and internet protocols. In particular, Sicher teaches an internet working function wherein an enhanced IWF (E-IWF) operates to enable a voice communication (e.g., voice or fax) to be conveyed over an internet protocol (IP) network. The Sicher arrangement receives voice frames via a radio link and maps those voice frames to a corresponding voice-over-IP (VoIP) protocol. If such direct mapping is not possible, then an intermediate PCM or ADPCM conversion is utilized (Sicher, Col. 5, Lines 21-35).

Independent claim 2 (and similarly independent claims 22 and 44), recites:

"A method for accepting streamed media packets sent from a content provider server and converting said streamed media packets to a pulse code modulated (PCM) signal stream, said method comprising the steps of:

418785-1

Serial No. 09/525,595

Page 11 of 17

receiving, at a first interface, a request from a client device for a specified media content stored by said content provider server, said specified media content comprising at least one of live and archived media content;

establishing, at said first interface and responsive to receipt of said request, a session with said content provider server for said requested media content, wherein said session is remotely controllable via said client device using control messages for controlling presentation of said requested media content;

receiving, at said first interface, said streamed media packets corresponding to said specified media content, said streamed media packets being encoded media packets adapted to one of a plurality of encoded streaming media formats;

transcoding, at said first interface, said streamed media packets received from said content provider server, to form a PCM signal stream corresponding to said specified media content; and

launching, from said first interface, said PCM signal stream onto a network operable to convey said PCM signal stream to the client device making said request."

(Emphasis Added).

In the Office Action, the Examiner contends that element 14 of FIG. 2 of Sicher satisfies each element of the above claim except for "specified media content comprising at least one of live and archived media content." The Examiner further contends that element 15 of Sicher teaches a content provider because the mobile device provides voice frames for translation by the E-IWF of Sicher. The Examiner then alleges that the Fitch arrangement discloses the missing claim element. Applicant respectfully disagrees.

Sicher fails to teach or suggest a content provider server, as taught in Applicant's invention of at least claim 2. The Examiner cites element of 15 of Sicher for teaching a content provider. Applicant respectfully submits, however, that element 15 of Sicher is merely a mobile client device. A mobile client device, as taught in Sicher, is simply not a content provider server, much less a content provider server storing live or archived media content, as taught in Applicant's invention of at least claim 2. In fact, Sicher is completely devoid of any teaching or suggestion of any content provider server whatsoever.

Serial No. 09/525,595

Page 12 of 17

Furthermore, Sicher fails to teach or suggest receiving a request from a client device for specified media content available from a content provider server, as taught in Applicant's invention of at least claim 2. In the Office Action, the Examiner cites specific portions of Sicher (Sicher Abstract; Col. 3 Lines 14-58; and Col. 4 Line 47 – Col. 5, Line 20) for teaching this limitation of Applicant's invention, however, the cited portion of Sicher is completely devoid of any teaching or suggestion of receiving a request for specified media content available from a content provider server. Rather, the cited portions of Sicher merely teach an enhanced interworking function (E-IWF) that translates between mobile-specific voice encoding and VOIP format. The E-IWF is simply not a content provider server as taught in Applicant's invention of at least claim 2.

Although Sicher teaches a client device MS 15, Sicher fails to teach or suggest any interface receiving a request for specified media content from the client device MS 15. Rather, Sicher teaches that MS 15 communicates with an E-IWF via a base station and mobile switching center, and that the E-IWF provides interworking necessary to translate from air-interface encoding methods to VOIP encoding. The Sicher arrangement does not receive media content requests. Rather, the Sicher arrangement merely converts voice frames from a mobile-specific encoding to VOIP for conveying a user's voice (or facsimile transmission or DTMF coding from a telephone keypad) to a receiving device.

Sicher is completely devoid of any teaching or suggestion of receiving any request from MS 15. Furthermore, even if Sicher did teach such a request (which Applicant maintains it does not), since Sicher is merely directed towards translating between voice frames and VOIP format, and is completely devoid of any teaching or suggestion of a content provider server, such a request simply could not be a request from a client device for specified media content available from a content provider server, as taught in Applicant's invention of at least claim 2. As such, since Sicher does not teach or suggest a content provider server, and does not teach or suggest receiving any request from a client device, much less a request for specified media content, Sicher must therefore fail to teach or

Serial No. 09/525,595

Page 13 of 17

suggest receiving a request from a client device for specified media content stored by a content provider server, as taught in Applicant's invention of at least claim 2.

Furthermore, Sicher fails to teach or suggest establishing, at a first interface and responsive to receipt of a request, a session with a content provider server for a requested media content, as taught in Applicant's invention of at least claim 2. In the Office Action, the Examiner cites specific portions of Sicher (Col. 5, Line 21 – Col. 6, Line 61) for teaching this limitation of Applicant's invention, however, the cited portions of Sicher are completely devoid of any teaching or suggestion of establishing, at a first interface and responsive to receipt of a request, a session with a content provider for requested media content.

Rather, as described herein, Sicher merely teaches establishment of voice communication channels via an IP network rather than a switched circuit network. Although Sicher describes an Internet Service Provider (ISP), the ISP merely maintains the VOIP network over which voice/facsimile communications are transported. The ISP is simply not a content provider. Furthermore, Sicher is completely devoid of any teaching or suggestion of any servers associated with the ISP. As described herein, Sicher is completely devoid of any teaching or suggestion of a content provider server or receiving a request for receiving media content from a content provider. As such, Sicher simply cannot teach or suggest establishing a session with a content provider server. Rather, Sicher is merely directed towards protocol conversion required for transporting voice/facsimile communications over a VOIP network.

Furthermore, even if Sicher did teach establishing a session with a content provider (which Applicant maintains Sicher does not), Sicher is completely devoid of any teaching or suggestion that the session is remotely controllable by a client device, much less remotely controllable using control messages for controlling the presentation of the requested media content, as taught in Applicant's invention of at least claim 2. Sicher fails to teach any session control techniques

Serial No. 09/525,595

Page 14 of 17

whatsoever. Rather, Sicher is merely directed towards transcoding of voice frames into VOIP frames. Thus, since, as described herein, Sicher is completely devoid of any teaching or suggestion of media content, a content provider server, or any session control techniques, Sicher must fail to teach or suggest that a session is remotely controllable via a client device using control messages for controlling presentation of said requested media content, as taught in Applicant's invention of at least claim 2.

Finally, Sicher fails to teach or suggest launching the PCM signal stream onto a network operable to convey the PCM signal stream to a client device making the request, as taught in Applicant's invention of at least claim 2. In the Office Action, the Examiner cites specific portions of Sicher (Col. 6, Line 27 – Col. 7, Line 67) for teaching this limitation of Applicant's invention; however, the cited portions of Sicher are completely devoid of any teaching or suggestion of launching the PCM signal stream onto a network operable to convey the PCM signal stream to a client device making the request.

Rather, the cited portions of Sicher merely teach that the E-IWF includes a first codec that encodes voice frames into a PCM/ADPCM stream and a second codec that encodes the PCM/ADPCM stream into a VOIP format (e.g., IP datagram). The IP datagram stream is then carried by one of a plurality of lower layer protocols such as Ethernet. In other words, the voice frames received from a mobile device are converted into a PCM stream within the E-IWF. The PCM stream is then converted into VOIP format, within the E-IWF, for transmission over an IP network. Specifically, Sicher teaches that "[t]he simplest method is to utilize an intermediate PCM conversion so that there are successive AFR-to-PCM and PCM-to-Voice-over-IP conversions within the E-IWF." (Sicher, Col. 5. Lines 58-60). In other words, the PCM stream taught in Sicher merely exists between codecs within the E-IWF. As such, Sicher teaches that the PCM stream only exists within the E-IWF. The PCM stream of Sicher is never launched onto a network, as taught in Applicant's invention of at least claim 2. Rather, the resulting VOIP packets of the Sicher arrangement are launched onto the Internet.

418785-1

Serial No. 09/525,595

Page 15 of 17

As such, Sicher simply does not teach or suggest launching a PCM signal stream onto a network, as taught in Applicant's invention of at least claim 2. Furthermore, since, as described herein, Sicher is completely devoid of any teaching or suggestion of a request for a specified media content available from said content provider, Sicher must also be completely devoid of any teaching or suggestion of launching a PCM signal stream onto a network operable to convey the PCM signal stream to a client device making such a request, as taught in Applicant's invention of at least claim 2.

As such, Sicher fails to teach or suggest Applicant's invention of at least claim 2. Furthermore, Fitch fails to bridge the substantial gap between the Sicher arrangement and the claimed invention. Namely, Fitch fails to teach or suggest any of the limitations of Applicant's invention of at least claim 2.

In general, Fitch teaches a search engine to verify streaming audio sources. That is, within the context of multiple media streams on a network of computers, the Fitch arrangement is adapted to address, via URL, each of a plurality of media streams to determine which of those streams is operating correctly. Those streams that are available may be utilized by users. In other words, Fitch operates to restrict the choices of a user to those preexisting streams that are functioning correctly.

Fitch, however, is completely devoid of any teaching or suggestion of at least the limitations of receiving streamed media packets corresponding to specified media content, establishing a session that is remotely controllable via a client device using control messages for controlling presentation of the requested media content, transcoding the streamed media packets received from the content provider to form a PCM signal stream corresponding to the specified media content, and launching the PCM signal stream onto a network operable to convey the PCM signal stream to a client device making the request for specified media content, as taught in Applicant's invention of at least claim 2. Fitch is completely devoid of any teaching or suggestion of pulse code modulation. In

Serial No. 09/525,595

Page 16 of 17

fact, Fitch is completely devoid of any teaching or suggestion of any encoding, decoding, or transcoding functions whatsoever.

Furthermore, the Sicher and Fitch arrangements cannot even be operably combined. Specifically, the Sicher arrangement is directed to voice-over-IP protocols, whereas the Fitch arrangement is directed towards confirmation of the existence of streaming media streams. Applicant also notes that any combination of the references would defeat the fundamental purposes of, for example, the Sicher reference (i.e., using an IP network to convey communications normally conveyed via a switched circuit network). In fact, even if the combination of the cited references could somehow be operably made, the resulting combination would still fail to disclose or suggest Applicant's invention of at least claim 2.

In the Office Action the Examiner seems to be implying that the E-IWF of Sicher is somehow joined with the streaming media verification of Fitch to provide thereby a session-based stream selection and retrieval system utilizing PCM transcoding. As discussed above, such session establishment functionality is simply not contemplated by Sicher. Even if somehow Fitch could be considered as supplying all of the missing teachings of Sicher, multiple functional units or devices would be needed to implement such an arrangement. In the end, Fitch is adapted to a quality assurance function in an IP network, while Sicher is adapted to a voice protocol transcoding function. The references are not combinable and any hypothetical combined arrangement would still not teach the invention.

Therefore, for at least the reasons discussed above, it is respectfully submitted that independent claim 2 is patentable over the cited references. Moreover, since independent claims 22 and 44 recite similar limitations, it is respectfully submitted that these claims are also patentable over the cited references. Finally, since all of the dependent claims depend, either directly or indirectly, from claims 2, 22 or 44, it is respectfully submitted that all these dependent claims are also patentable over the cited references. Therefore, Applicant respectfully requests that the rejections be withdrawn.

416785-1

Serial No. 09/525,595

Page 17 of 17

**RESPONSE TO EXAMINER'S COUNTER-ARGUMENT**

The Applicant respectfully submits that the Examiner is reading the functionality of various elements within the Sicher arrangement in an extremely broad manner which is unsupported by the teachings within the Sicher patent. The use of PCM as an intermediate signal format for conversions of voice frames to VOIP format data frames does not equate to the claimed streaming media structures and methods of Applicant's invention. The discussion hereinabove with respect to claim 2 addresses the Examiner's response to Applicant's arguments.

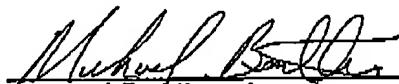
**CONCLUSION**

Thus, Applicant submits that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Mr. Eamon J. Wall at (732) 383-1438 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

12/12/05

  
\_\_\_\_\_  
Michael Bentley, Agent  
Reg. No. 52,613  
(732) 530-9404

Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702

418785-1